

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: WALKER et al.
Application No.: 09/609,147
Filed: June 30, 2000
Title: METHOD AND APPARATUS FOR COMPENSATING
PARTICIPATING IN MARKETING RESEARCH

Attorney Docket No. 99-110

Group Art Unit: 3622
Confirmation No.: 2957
Examiner: CARLSON, Jeffrey D.

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. § 1.78 (a)(3) TO REQUEST
UNINTENTIONALLY DELAYED CLAIM FOR PRIORITY**

Dear Sir:

Applicants hereby petition to claim the benefit of prior-filed co-pending provisional application serial number 60/201,134 in the above-captioned application. The entire delay between the date the claim was due under 37 C.F.R. § 1.78(a)(2)(ii) and the date the claim is being made herein was unintentional. Applicants filed the present patent application on June 30, 2000 and the claim for priority to the prior-filed provisional application was made in the specification, as originally filed, at the end of a list of related applications, rather than at the beginning. As a result, rather than appearing as the first sentence in the specification, the priority claim instead appeared on page 2, lines 24 to 26 of the originally filed application. Thus, Applicants hereby request to be permitted to

claim the benefit of prior-filed co-pending provisional application serial no. 60/201,134, entitled "Sponsored Slots," filed May 2, 2000.

Applicants are aware that under 37 C.F.R. § 1.78(a)(2)(ii), claims to prior-filed co-pending provisional applications must be submitted within the later of four months from the filing date of the later-filed application (June 30, 2000), or sixteen months from the filing date of the prior-filed application (May 2, 2000).

Applicants are also aware that under 37 C.F.R. § 1.78(a)(2)(iii), "[i]f the later-filed application is a non-provisional application, the reference required by this paragraph must be included in an application data sheet (§ 1.76), or the specification must contain or be amended to contain such reference in the first sentence(s) following the title."

Applicants acknowledge that the requirements set forth in 37 C.F.R. § 1.78(a)(2)(ii)-(iii) have not been met. The originally filed application makes reference to a number of related applications in the opening section of the specification. When drafting the application, the priority claim was inadvertently placed at the end of this list, rather than at the beginning (where it would have been the first sentence, in full compliance with § 1.78(a)(2)(iii)). Applicants have corrected the error by amendment, and there has been no prejudice resulting from the oversight. Although the priority claim was not in the first sentence of the specification, the claim was still present in the originally filed application. Additionally, when Applicants informed Examiner Carlson of the mistake in a telephonic interview on June 6, 2007, the Examiner informed Applicants that a petition was not necessary and that he considers the priority claim to have been properly made. Nevertheless, in the interest of candor and transparency, Applicants believe this petition to be appropriate.

Accordingly, Applicants request to be permitted to claim the benefit of prior-filed co-pending provisional application serial number 60/201,134 and are hereby authorizing the fee set forth in § 1.17(t) be charged to our deposit account.

Petition Fee

Please charge **\$1370.00** for this petition to our Deposit Account No. 50-0271. Please charge any additional fees that may be required for this Petition, or credit any overpayment to Deposit Account No. 50-0271.

If an extension of time is required, or if an additional extension of time is required in addition to that requested in a petition for an extension of time, please grant a petition for that extension of time which is required to make this Response timely, and please charge any fee for such extension to Deposit Account No. 50-0271.

Respectfully submitted,

June 7, 2007

/Jerome DeLuca, Reg. No. 55,106/

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